

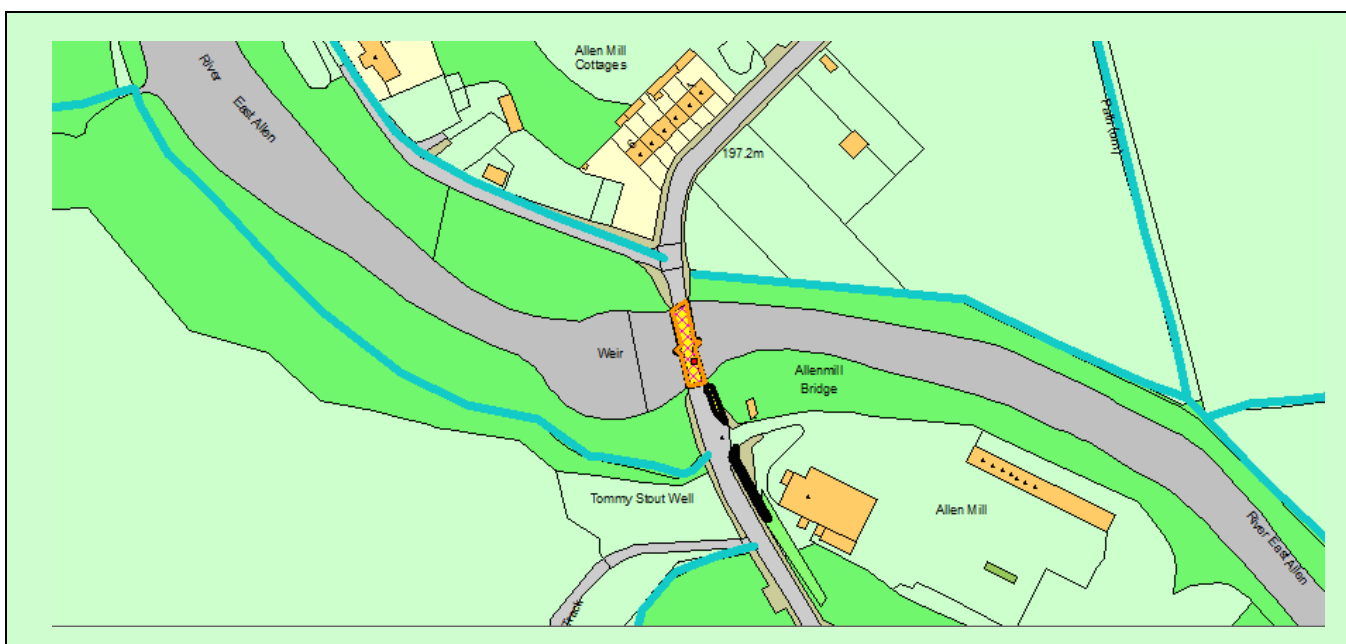


# Northumberland County Council

## Tynedale Local Area Council Planning Committee 14 May 2019

<b>Application No:</b>	19/00058/LBC		
<b>Proposal:</b>	Listed Building Consent. Proposal is to attach a 50mm diameter black upvc duct to the outer face of the bridge parapet. Optical fibres will be placed in the duct and will be connected. At the bridge abutments the 50mm diameter duct will be terminated 600mm below existing ground level, and continue as the normal smaller diameter orange broadband ducts.		
<b>Site Address</b>	Allen Mill Bridge, Allendale, Northumberland		
<b>Applicant:</b>	Mr Nick Hall Station Yard, Melling, Via Carnforth, LA6 2QY Lancashire	<b>Agent:</b>	Mr Brian Bell Burnside House , Hexham Business Park, Burn Lane, Hexham, Northumberland, NE46 3RU
<b>Ward</b>	South Tynedale	<b>Parish</b>	Allendale
<b>Valid Date:</b>	5 March 2019	<b>Expiry Date:</b>	15 May 2019
<b>Case Officer Details:</b>	Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



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## 1. Introduction

1.1 This application falls to be determined by members of the Tynedale Local Area Council Planning Committee, in accordance with the Council's current Scheme of Delegation, as the bridge is owned by Northumberland County Council.

## 2. Description of the Proposals

2.1 Listed Building Consent is sought for the installation of a fibre optic broadband cable to the west, side elevation of Allen Mill Bridge, Allendale.

2.2 The proposed works include attaching a 50mm black uPVC duct to the outer face of the bridge parapet wall and inserting optical fibres into the duct. The duct would be secured to the bridge with non-ferrous straps and hardwood bobbins. These would be secured with stainless steel resin anchored screws into the masonry at the mortar joints.

2.3 The supporting information states the proposed works are part of the Allen Valley rural broadband project managed by Rural Broadband for Allen Valley (B4AV), a volunteer group which is managed by Broadband for Rural North (B4RN). Allen Mill Bridge is owned by Northumberland County Council.

2.4 Allen Mill Bridge is a Grade II Listed Building situated within the North Pennines Area of Outstanding Natural Beauty. The application site is within an area of archaeological interest and is within Flood Zone 2 and 3.

## 3. Planning History

**Reference Number:** T/20051427

**Description:** Listed Building Consent: Removal and rebuilding of listed wall

**Status:** Permitted

## 4. Consultee Responses

Allendale Parish Council	Support the application because it is to provide a much needed superfast Broadband service.
Countryside/ Rights Of Way	No objection subject to the protection of Allendale Public Footpath No. 23 and No. 144 and Public Bridleway No. 122 throughout.
County Archaeologist	No objection to the application and no archaeological recording work will be required in this particular instance.
North Pennines AONB	No response received.
County Ecologist	No objection subject to conditions and informatives.
Historic England	No comment.

Building Conservation	No objection.
Lead Local Flood Authority (LLFA)	No comment.
Highways	No objection. Recommended informative.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	14
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Site notice for Listed Building Consent – Displayed on 15<sup>th</sup> March 2019  
 Press notice in Hexham Courant – Published on 14<sup>th</sup> March 2019

### Summary of Responses:

None received.

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PL0N29QSL9T00>

## 6. Planning Policy

### 6.1 Development Plan Policy

*Tynedale LDF Core Strategy (2007)*

Policy BE1 – Principles for the Built Environment

*Tynedale District Local Plan (2000)*

Policy BE21 – Alteration and Extension to Listed Buildings

Policy BE27 – Regional and Locally Important Archaeological Sites and Settings

Policy GD2 – Design Criteria for Development

Policy NE27 – Protection of Protected Species

### 6.2 National Planning Policy

*National Planning Policy Framework (NPPF) (2019)*  
*National Planning Practice Guidance (NPPG) (2018, as updated)*

### 6.3 Other Documents/Strategies

*Northumberland Local Plan (Publication Draft Plan) (Regulation 19) (January 2019)*

Policy ENV 7 – Historic Environment and Heritage Assets

*Allendale Neighbourhood Development Plan (2015)*

Policy ANDP 1 – General Development Principles

## **7. Appraisal**

7.1 The main issue in the determination of this application falls on whether the proposed development would preserve or enhance the listed building and its features of architectural and historic interest, having regard to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), relevant policies in the development plan and the aims of the NPPF.

### *Impact on the Character of the Listed Building*

7.2 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires the local authority to have special regard to the desirability of preserving the listed building, its setting and any features of special or historic interest which it possesses. The NPPF also places emphasis on the preservation and enhancement of heritage assets.

7.3 Proposals that would result in harm to or loss of the significance of heritage assets will not ordinarily be permitted. Policy BE21 of the Tynedale District Local Plan sets out the criteria which must be met in order for development to listed buildings to be granted consent. This includes criteria such as the retention of the character of the building and its special features, that architectural details and methods match or are in keeping with those found on the listed building and the materials used are traditional and sympathetic.

7.4 Policy BE27 of the Tynedale District Local Plan relates to regionally and locally important archaeological sites and settings. This policy states *“development, which would be detrimental to regionally or locally important archaeological sites and their settings, will not be permitted unless the proposed development is considered to be of overriding regional importance and no alternative site is available”*.

7.5 Policy ENV 7 of the emerging Northumberland Local Plan (Publication Draft Plan) relates to the historic environment and heritage assets. Policy ENV 7 states *“development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland’s heritage assets and their settings”*.

- 7.6 Policy ANDP 1 of the Allendale Neighbourhood Plan sets out the general principles for development. Policy ANDP1 states “*all development shall avoid harm to the significance of social, built, historic, cultural and natural heritage assets of the Parish*”.
- 7.7 Allen Mill Bridge, which spans the River East Allen, is a Grade II Listed structure which dates from the early 19<sup>th</sup> century (1813) and is of squared stone. It has two segmental arches with arch rings and a triangular cutwater between and a band above. The parapet walls have a sloped coping, splayed out at ends to low square piers with pyramidal caps. Allen Mill Bridge is located within an area of archaeological interest.
- 7.8 The Council’s Building Conservation Team has been consulted on this application to assess the impact of the proposed development upon the character and appearance of the listed building. The works propose to install a black 50mm duct to house a broadband cable. The cable would emerge from the bankside and run alongside the bridge. It is acknowledged that in order to reduce its impact, the cable would be located on the less significant side of the bridge, which is already compromised by the presence of a metal pipe. The duct would be located to align just below the projecting stone band course so that its visual impact is reduced as it would follow the shadow line formed by this projection. The pipe would be secured to the bridge with non-ferrous straps and hardwood bobbins. These would be secured with stainless steel resin anchored screws into the masonry at mortar joints to avoid any damage to the stonework.
- 7.9 The Building Conservation Officer acknowledges that other options for the positioning of the cabling have been considered and dismissed and are detailed in the Design, Access and Heritage Statement which accompanies this application. The Building Conservation Officer considers that the proposed affixment of the duct to the outer face of the bridge would cause an element of harm to the character and appearance of this heritage asset. However, this ducting can be removed in the future, if it is no longer required, and hence the harm is reversible. Therefore, the Building Conservation Officer concludes that they have no objection to the proposal.
- 7.10 The Council’s Archaeology Team has been consulted on this application and based on the available information, it is concluded that the proposed scheme would have a limited physical impact on the historic fabric of the bridge. Therefore, the Council’s Archaeologist has no objections to the application and no archaeological recording work will be required in this instance.
- 7.11 Although the proposal would result in an element of harm to the character and appearance of the heritage asset, this is considered to be acceptable as a result of the reversible nature of the proposal. The proposed development is considered to adhere to Policy BE1 of the Tynedale LDF Core Strategy, Policies BE21, BE27, GD2 and NE27 of the Tynedale District Local Plan, Policy ENV 7 of the Northumberland Local Plan (Publication Draft Plan), Policy ANDP 1 of the Allendale Neighbourhood Development Plan and the principles within Chapter 16 of the NPPF.

7.12 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### *Crime and Disorder Act Implications*

7.13 These proposals have no implications in relation to crime and disorder.

#### *Human Rights Act Implications*

7.14 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well-being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.15 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.16 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 National and local planning policies have been taken into consideration when assessing this application. Although the proposal would result in an element of harm to the character and appearance of the heritage asset, this is considered to be acceptable as a result of the reversible nature of the proposal. The proposed works are considered to adhere to Policy BE1 of the Tynedale LDF Core Strategy, Policies BE21, BE27, GD2 and NE27 of the Tynedale District Local

Plan, Policy ENV 7 of the Northumberland Local Plan (Publication Draft Plan), Policy ANDP 1 of the Allendale Neighbourhood Development Plan and the principles within Chapter 16 of the National Planning Policy Framework.

## 9. Recommendation

That this application be GRANTED permission subject to the following:

### Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for the development are:

1. PROPOSED PLAN AND ELEVATIONS, Drawing No: B4AV – BTB – 01 – 00 – 00 – 0 – 0002 Revision: P01.01 (Date: 23/01/19) (Received on: 29/01/2019)
2. Design, Access & Heritage Statement Allenmills Bridge, Catton – Broadband for the Rural North Revision: P01 (Date: 28<sup>th</sup> January 2019) (Received on: 29/01/2019)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The developer should create and follow a method statement and no holes in the structure of the bridge shall be blocked or obstructed as a result of the proposed works.

Reason: To maintain the favourable conservation status of protected species in accordance with Policy NE27 of the Tynedale District Local Plan.

### **Informatives**

1. It is for the applicant to make sure the necessary permission is obtained from the owner of the bridge before carrying out the approved work. Listed Building Consent does not override the need to obtain any such private permission that may be required.
2. All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them. Kingfisher are especially protected under Schedule 1 of the Act.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

If protected species such as bats or nesting birds are encountered during the development then works should cease immediately and professional advice should be sought straight away. In this case no holes, cracks or crevices in the structure should be covered – any existing holes must be left free of obstruction.

Applicants and contractors can obtain advice on bats by telephoning Natural England's bat advice line on 0345 1300 228.

The Chartered Institute of Ecology and Environmental Management (CIEEM) has an online professional directory should assistance be required:  
<http://events.cieem.net/ProfessionalDirectory/Professional-Directory.aspx>

Further information about protected species and the law can be found on the government website:  
<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles or hedgehogs. Any vegetation or materials clearance should be carried out gradually and with due care and attention.

3. Allendale Public Footpath No. 23 and No. 144 and Public Bridleway No. 122 shall be protected throughout the proposed works. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.
4. The applicant is advised to contact the Council's Traffic Management Section at [highwaysprogramme@northumberland.gov.uk](mailto:highwaysprogramme@northumberland.gov.uk) before and during the construction period in respect of the traffic management arrangements for the duration of the works.
5. The applicant should note that Technical Approval of Highways Structures is required. The applicant should contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk)
6. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be stored or deposited on the highway.

**Date of Report:** 24.04.2019

**Background Papers:** Planning application file(s) 19/00058/LBC



